

Pre-employment Background Check Policy



Introduction and Purpose:

Maryland Institute College of Art is committed to protecting the security, safety, and health of employees, students, and others, safeguarding the assets and resources of the College. Background checks help to obtain information necessary to determine an applicant's suitability for employment in a particular position and to ensure the protection of the College's physical property, proprietary information and other assets.

A background check may include, but is not limited to, multi-state and/or international criminal background checks including felonies and misdemeanors, a social security trace, a Sex Offender Registry check, a credit check, a driver history check, reference checks, and credentials verification.

This policy version supersedes any previous version.

Applicability:

- New Hires: As a condition of employment, background checks are required on all applicants offered a regular full-time or part-time position or temporary position, except for student employees.
 - a) In some cases, new hires may start work before the background check has been completed. The Criminal portion must be completed in advance of the new employee's start date and continued employment is contingent upon satisfactory results of the full background check.
 - b) The background check conducted through a third-party agency does not relieve the hiring department or Human Resources of their obligation to perform reference and/or employment history checks required for a specific position.
- Position changes:
 - a) Employees who transfer to a different position within or outside of their current department and do not have a complete background check on file.
 - b) Employees who transfer to a different position with additional fiduciary responsibilities in the new position
- Re-hires: Employees who are rehired by the College after a break in service in employment with MICA.
- Students with direct responsibility for the care, safety and security of children, vulnerable adults, or persons with disabilities through student teaching assignments, internships, or employment by MICA.
- Non-student residents who have unescorted access to student dormitories, vulnerable adults, or persons with disabilities including but not limited to spouses, partners and significant others of employees in positions of employment that require the employee to live on campus.

Procedure:

The following practices and procedures generally will be followed:

- Background check requirements for a specific position will be identified and included in job postings.
- The College will use a third-party agency to conduct certain background checks to verify the accuracy of the information provided by the applicant during the selection process. Applicants or employees will be notified that a background check will be conducted and will be asked to complete a Disclosure and Authorization form in accordance with the Fair Credit Reporting Act (FCRA), authorizing the College to obtain a consumer report for employment purposes.
- The College will comply with all applicable federal, state, and local laws, including fair employment practices and equal employment opportunity, when conducting background checks. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant or employee. Rather, determinations of suitability based on criminal record checks will be made consistent with this policy and any applicable law or regulations. Factors considered in determining suitability may include, but are not limited to, the following: a) Relevance of the crime to the position sought; b) The nature of the work to be performed; c) Time since the conviction; d) Age of the candidate at the time

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of the offense; e) Seriousness and specific circumstances of the offense; f) The number of offenses; g) Whether the applicant has pending charges; h) Any relevant evidence of rehabilitation or lack thereof; i) Any other relevant information, including information submitted by the candidate or requested by the hiring authority.

- If the College is inclined to make an adverse decision based on the results of the background check, the applicant or employee will be notified immediately. The College will provide the applicant or employee with a pre-adverse action notice, a copy of the report and the FCRA Summary of Rights. The College will provide the applicant or employee with an opportunity to dispute and correct any inaccurate information in the report.
- Upon taking an adverse action based on a consumer report, the College will provide notice to the applicant or employee that will include the information required by the FCRA.

Record-keeping

Information obtained from the background check process will only be used as part of the employment process and will be kept strictly confidential. Only appropriate human resource personnel at the College will have access to this information. The College complies with all federal, state, and local laws regarding the collection, storing and disposal of applicant information.